



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 16, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0221

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	15.080 Follow-Up Unit Notification & Follow-Up Unit Investigation, 15.080-POL-2 Follow-Up Unit Investigation, 1. Follow-Up Investigations Will Include Certain Minimum Components	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) was a detective assigned to investigate a case in which the Complainant's mother (Community Member #1 or CM#1) was a suspect. The Complainant alleged NE#1 failed to conduct an adequate follow-up investigation due to CM#1's race, age, and/or gender.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's (OIG's) review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employee in this case.

On June 27, 2023, the OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

This case is related to another OPA case, 2023OPA-0136, which was filed by the same Complainant. The facts of that case are set forth fully in the Closed Case Summary for that case. Briefly, CM#1 had an ongoing dispute with her neighbor. On March 24 and 25, 2023, the police responded to multiple incidents in which CM#1 and the neighbor accused each other of assault. The neighbor accused CM#1 of banging on his window with what appeared to be a firearm. CCTV evidence recovered after the fact by SPD's Video Unit corroborated these allegations.



*CCTV image showing CM#1 aiming object at neighbor's window.
CM#1 is obscured by the black oval.*

OPA and OIG concurred that the Complainant's allegations in 2023OPA-0136 should be processed as an Expedited Investigation, and OPA recommended all allegations in that case be Not Sustained – Unfounded.

While 2023OPA-0136 was pending, the Complainant made new allegations that NE#1—the detective assigned to investigate the neighbor's allegations against CM#1—was biased and did not conduct a thorough investigation. OPA opened this intake. During the intake, OPA reviewed NE#1's Criminal Investigation Report (CIR) and associated reports. OPA also interviewed the Complainant. The Complainant alleged, in summary, that NE#1 failed to conduct a thorough investigation because he did not interview CM#1 or the Complainant's sister (Community Member #2 or CM#2). The Complainant also stated NE#1 participated in a hearing for an Extreme Risk Protection Order (ERPO) against CM#1. The Complainant alleged this was evidence of racial discrimination.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing

The Complainant alleged NE#1 failed to thoroughly investigate this case due to bias-based policing due to CM#1's race, age, and/or gender.

SPD policy prohibits biased policing, which it defines as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." SPD Policy 5.140-POL. This includes different treatment based on the race of the



subject. *See id.* Officers are forbidden from both, (i) making decisions or taking actions influenced by bias, and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140 POL-2.

NE#1's CIR showed that he analyzed all body-worn video (BWV), in-car video (ICV), surveillance video, party statements, and records from the incident. The Complainant alleged NE#1 did not interview CM#1 or CM#2. However, records show NE#1 did interview CM#1. Also, both CM#1 and CM#2 were interviewed during the initial investigation. *See* OPA case 2023OPA-0136. The Complainant alleged bias by NE#1 against CM#1, stating there was differential treatment. However, CM#1 was listed as the suspect for the incident and video surveillance and statements from multiple parties supported this designation. OPA observed no evidence that CM#1's race, age, or gender were improperly considered during this incident. To the extent NE#1 treated CM#1 differently than the neighbor, it was due to the substantial evidence of CM#1's status as the suspect in that matter and the neighbor's status as the victim of CM#1's actions.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #1 - Allegation #2

15.080 Follow-Up Unit Notification & Follow-Up Unit Investigation, 15.080-POL-2 Follow-Up Unit Investigation, 1. Follow-Up Investigations Will Include Certain Minimum Components

The Complainant alleged that NE#1 did not conduct an adequate follow-up investigation because he did not interview CM#1 or CM#2.

SPD Policy 15.080-POL-2(1) states that follow-up investigations shall include specified minimum components and the policy sets forth what those components are. As a general matter, the policy has three general categories. First, it sets forth the analysis and review that it expects follow-up unit detectives to conduct. This includes: reviewing previous and related reports; collecting the criminal history of the subject and including it in the file; and making an attempt to link the subject to other crimes using a "modus operandi analysis." Second, the policy provides guidance for investigations. This guidance includes: contacting and interviewing witnesses, victims, and suspects all when appropriate, as well as interviewing uniformed personnel when necessary; and, as a general matter, viewing the scene of the crime, conducting searches in a systematic and thorough manner, and collecting and properly processing any evidence located. Third, the policy sets forth preferred practices for case preparation. These practices include: preparing the case files to meet standards set forth by prosecuting attorneys' offices; and responding to requests for additional information from prosecutors.

For the reasons set forth above at Named Employee #1, Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**